

United States District Court  
Middle District of Florida  
Orlando Division

**ADELBERT SETH DEWEES, II,**

***Plaintiff,***

**v.**

**No. 6:21-cv-328-GKS-PDB**

**ACTING COMMISSIONER OF SOCIAL SECURITY,**

***Defendant.***

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**Report & Recommendation**

This is an action under 42 U.S.C. §§ 405(g) and 1383(c)(3) to review a final decision of the Acting Commissioner of Social Security denying Adelbert Dewees's applications for disability insurance benefits and supplemental security income. Doc. 1. The Acting Commissioner answered the complaint and filed the administrative record. Docs. 17, 19.

The Acting Commissioner now moves for an order reversing the Acting Commissioner's final decision and remanding the action to "obtain updated evidence from a vocational expert; resolve any apparent conflicts between the vocational expert's evidence and the Dictionary of Occupational Titles; offer Plaintiff the opportunity for a new hearing; and issue a new decision." Doc. 24 at 1. Dewees has no objection. Doc. 24 at 1–2.

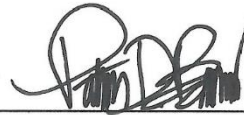
When reviewing a final decision of the Acting Commissioner, a district court may "enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision ... with or without remanding the

cause for a rehearing.” 42 U.S.C. § 405(g); *see* 42 U.S.C. § 1383(c)(3) (incorporating § 405(g)).

Considering the absence of opposition and the authority above, I recommend:

1. **granting** the Acting Commissioner’s motion to remand, Doc. 24;
2. **reversing** the Acting Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) and under § 1383(c)(3);
3. **remanding** the action for the Acting Commissioner to “obtain updated evidence from a vocational expert; resolve any apparent conflicts between the vocational expert’s evidence and the Dictionary of Occupational Titles; offer Plaintiff the opportunity for a new hearing; and issue a new decision”; and
4. **directing** the clerk to enter judgment in favor of Adelbert Dewees, II, and against the Acting Commissioner of Social Security and close the file.\*

**Entered** in Jacksonville, Florida, on October 15, 2021.



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PATRICIA D. BARKSDALE  
*United States Magistrate Judge*

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\*Within 14 days after being served with a copy of [a report and recommendation on a dispositive motion], a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). “A party may respond to another party’s objections within 14 days after being served with a copy.” *Id.* A party’s failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1.